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EXAMINER

SELF, SHELLEY M

ART UNIT PAPER NUMBER

3725

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,324

Applicant(s)

CHUANG, BOR YANN

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-11 and 13-22 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/03;7/28/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/05;11/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on July 28, 2005 has been considered and an action on the merits follows.

Examiner apologizes for the delay in prosecution and vacates the previous Office Action. Accordingly, this office action is deemed a first action on the merits.

Information Disclosure Statement

Examiner notes the IDS filed July 28, 2005, to be a duplicate copy of that filed November 1, 2004, an initialed copy of both are herein included.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show, i.e. illustrate and denote every feature of the invention specified in the claims. Therefore a planar (clm. 21) and base (clm. 21) must be shown/denoted by reference character(s) or the feature(s) canceled from the claim(s). Additionally, the drawing pages should be numbered, i.e., sheet 1 of 2. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- Pg. 1, line 4, "*plane*" should be **—plank—**

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 8, the recitation, "further comprising" is not clear because the claim does not set forth any structure prior the term, "further comprising" and only states an intended use of the adjustable stop plank relative to a tool having a work surface. Examiner suggests, --the adjustable stop plank comprising--

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There are insufficient antecedent bases for the following:

"the angle" (clm. 1, lines 1; clm. 8, line 4; clm. 10, line 3; clm. 14, lines 2, 4) Examiner suggests, --an angle--

"the top side" (clm. 1, line 5; clm. 4, line 3) Examiner suggests, --a top side--

"the rear wall" (clm. 1, line 15; clm. 4, line 4) Examiner suggests, --a rear wall--

"the turning fulcrums" (clm. 1, line 25)

"the upper side" (clm. 7, line 4) Examiner suggests, --an upper side--

"the hand operated actuator" (clm. 14, lines 1, 2)

"the current angle" (clm. 21, line 4) Examiner suggests, --a current angle--

Claim 1 and claims 4 and 7 based on their dependency to claim 1 appear to contain allowable subject matter and would be allowable if rewritten in the same scope and to overcome the above noted 35 U.S.C. 112 rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-11 and 13-22 as best as can be understood are rejected under 35 U.S.C. 102(b) as being anticipated by Jedlicka et al. (5,533,557). With regard to claim 8, Jedlicka discloses an adjustable stop plank for a power tool (fig. 1) having a work surface (7, 9), the adjustable stop plank further comprising: a drive mechanism (23, 27, 47, 75, 89, 91, 113, 127, 129) connected to

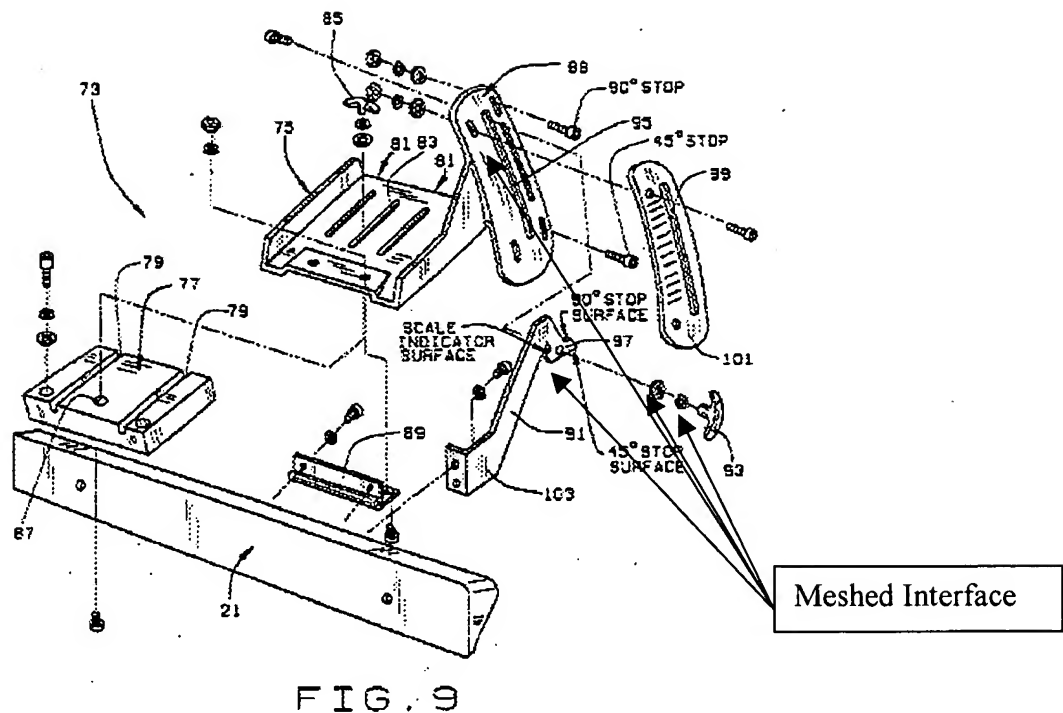
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the stop plank (21) for continuous adjustment of an angle (col. 7, lines 53-67 to col. 8, lines 1-8; 50-61) of the stop plank (21) with respect to the work surface within a predetermined range of angles; and an actuator (55, 93, 137) for operating the drive mechanism (23, 27, 47, 75, 89, 91, 113, 127, 129) to adjust the angle of the stop plank (col. 7, lines 53-67 to col. 8, lines 1-8; 50-61).

With regard to claim 9, as best as can be understood, Jedlicka discloses drive mechanism (27) has an interface with at least one tooth (fig. 7) that allows the stop plank to be moved to different angles with respect to the work surface (col. 6, lines 47-51, 57-61). Examiner notes the “upstanding ears” (embodiment fig. 7) of the drive mechanism (23, 27) incorporating a pivot fence (47) operate as a tooth (i.e., projection) so as position the adjustable stop plane (21) at different angles relative to the work surface (7, 9).

With regard to claim 10, as best as can be understood, Jedlicka discloses the drive mechanism includes components having a meshed interface (fig. 9), which cooperate to adjust the angle of the stop plank. Examiner notes, *meshed to be defined as working contact*.

With regard to claim 11, as best as can be understood, Jedlicka discloses the drive mechanism (23, 27) having a threaded interface (63) that allows the stop plank to be moved to different angles with respect to the work surface (fig. 7; col. 6, lines 64-67 to col. 7, lines 1-7) .



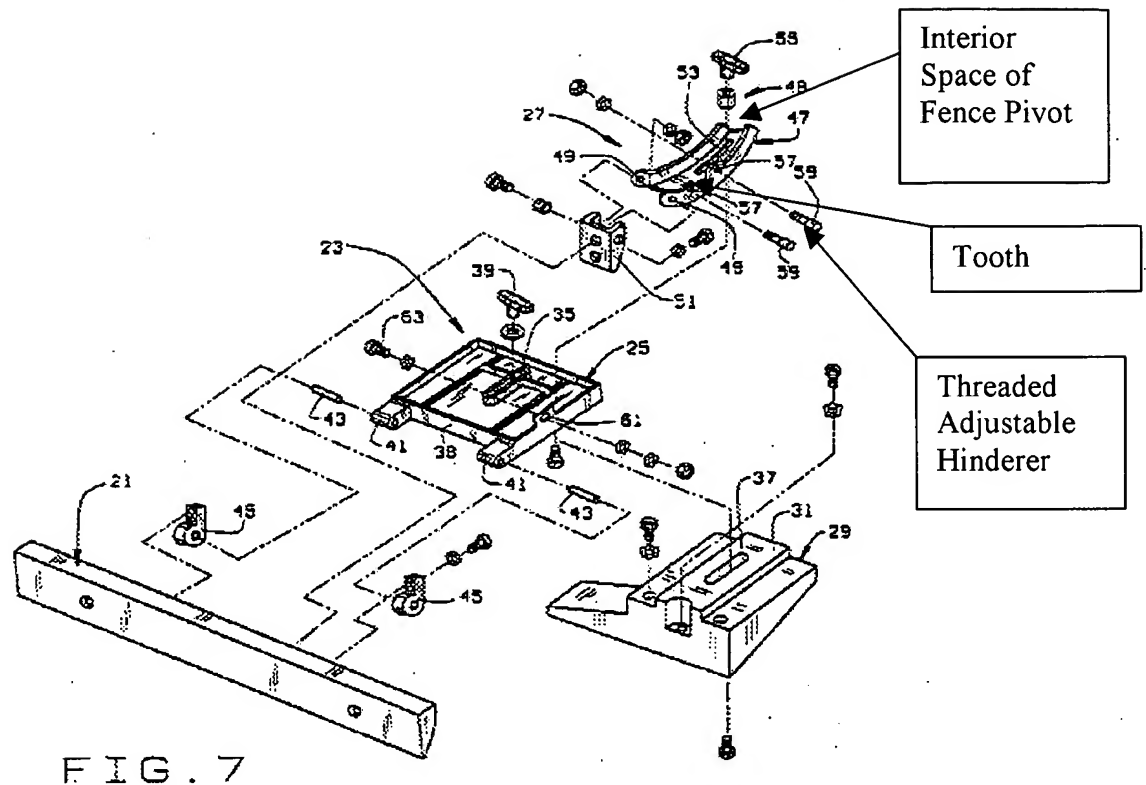
Examiner notes the actuator (93) has a projection portion which meshes with cooperating structure so as to be coupled to the lever (91) of the drive mechanism (75, 89, 91) so as to cooperate to adjust the angle of the stop plank via movement of the actuator (93) and rotation of the hinge (89) affixed to the stop plank (21) resulting in adjustment of the angle of the stop plank (fig. 9).

With regard to claim 13, as best as can be understood, Jedlicka discloses the actuator (55, 93, 137) is hand operated (fig. 7-11).

With regard to claim 14, as best as can be understood, Jedlicka discloses the hand operated actuator (55, 93, 137) is a spindle and movable in a clockwise direction to adjust the angle of the stop plank (21) in a first direction and movable in a counterclockwise direction to adjust the angle of the stop plank (21) in a second direction.

With regard to claim 15, as best as can be understood, Jedlicka discloses at least one stop (col. 6, lines 59-67 to col. 7, lines 1-10; col. 8, line 7).

With regard to claims 16 and 17 as best as can be understood, Jedlicka inherently discloses wherein the at least one stop comprises an adjustable hinderer/bolt (59,63) which may be adjusted to obstruct movement of the stop plank (21) beyond the at least one predetermined angle. Examiner notes that Jedlicka's threaded engagement of the at least one stop (59, 63) inherently lends to adjustability of the stop, i.e., threadably engaging the fence pivot (47) completely through the hole (57) into the interior space of the fence pivot (47) will lend to a different stop angle of the stop plank (21) than adjusting the stop (59) only on one side of the hole (57) and not into the interior space of the fence plate (fig. 6).



With regard to claim 18 as best as can be understood, Jedlicka discloses the actuator (93; fig. 9) may be rotated in a clockwise or counterclockwise direction to make micro-adjustments (col. 7, line 67 to col. 8, lines 1-7) to the angle of the stop plank (21).

With regard to claim 19 as best as can be understood, Jedlicka discloses a display (101) for indicating the angle of the stop plank (col. 7, line 67 to col. 8, lines 1-7; fig. 9, scale indicator surface).

With regard to claim 20 as best as can be understood, Jedlicka discloses indicia (fig. 9; 101) and an index (fig. 9; scale indicator surface of lever 91).

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With regard to claim 21, Jedlicka discloses a planar (1) comprising a base (3) having a workpiece support table (7) and an adjustable stop plank (21) for positioning a workpiece; and a display (101) for indicating a current angle of the stop plank (21) with respect to the workpiece support table (7).

With regard to claim 22, as noted above with reference to claim 20, Jedlicka discloses the display (101) comprises indicia and an index (fig. 9).

Allowable Subject Matter

Claims 2, 3, 5, 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if any 35 U.S.C. 112 rejection(s) were overcome.

The following is a statement of reasons for the indication of allowable subject matter: The art of record does not disclose or fairly suggest a micro-adjusting device for an angle stop planer having a hand wheel, an upper and lower connecting rod pivotally connected with the stop plank and holding frame and a *transmission rod transversely inserted in the holding frame having an end formed with a worm wheel the worm wheel meshed with a worm of the hand wheel and the other end formed with a transmission gear* in combination with the rest of the claimed limitations as set forth in claim 1.

The prior art of record does not disclose or fairly suggest *the threaded interface comprises a worm gear having a worm driven by the actuator, the worm engages a wheel* in combination with the rest of the claimed limitations as set forth in claim 12.

Eschenburg discloses a micro-adjusting means for an angle stop plank/abutment having a holding frame (52), an upper (63) and lower (58) connecting rod pivotally connected to the holding frame and angle stop plank/abutment (50). Eschenburg does not disclose any *transmission rod having an end formed to mesh with a hand wheel or the other end formed with a transmission gear*. Eschenburg teaches adjustment of the angle stop plank/abutment made via a locking bolt (68), nut (70) and handles (71, 75). Eschenburg discloses the rotation of handle (71) to position/adjust upper connecting rod (63) and handle (75) for adjusting/position of stop plank/abutment (50). Accordingly, Eschenburg fails to anticipate or render obvious the claimed invention as set forth in claim 1.

As noted above, Jedlicka et al. discloses an adjustable stop plank (21) for a planer/power tool apparatus having a working surface. Jedlicka discloses the adjustable stop plank (21) to be adjustable angularly with respect to the working surface of a planer/power tool apparatus, via brackets (23, 75, 127) and drive mechanisms (figs. 6-11). Jedlicka does not disclose a *threaded interface comprising a worm gear* and in fact fails to disclose any gearing. Instead, Jedlicka discloses the angle stop plank (21) to be affixed to the drive mechanism(s) via fasteners (fig. 6-11) and the stop plank (21) to be adjustably positionable via pivoting structure (45, 89, 129, 131) such that as the actuator (55, 93, 137) is moved the angle stop plank (21) is rotated about pivoting/structure (55, 93, 137) to change/adjust the position, i.e., angle of the angle stop plank (21) relative to the working surface. Accordingly, Jedlicka fails to anticipate or render obvious the claimed invention as set forth in claim 12.

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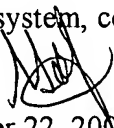
Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1 and 12. Accordingly, claims 1 and 12 contains allowable subject matter over the prior art of record

Conclusion

This Office Action should be deemed a first action on the merits.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf 
October 22, 2005